

# **Case Study – Innovative approaches to hunting regulation as contribution to Turtle Dove conservation in Malta**

## **Introduction**

Due to the biogeographic situation of Malta, including insularity, small size of the territory, extremely high population density, high rate of urbanisation, virtual absence of surface freshwater bodies and lack of suitable habitats to sustain breeding population of the turtle dove, the species is present in Malta only during brief periods of migration, which generally occur between August and October in the autumn, and between April and June in spring. Alongside 10 other EU Member States Malta allows limited turtle dove hunting in accordance with EU Birds Directive. Under Maltese Conservation of Wild Birds Regulations (S.L. 549.42), turtle dove is listed as a huntable species under Schedule II/A, and its hunting is strictly regulated under provisions of these regulations.

The Wild Birds Regulation Unit (WBRU), within the Ministry for Sustainable Development, the Environment and Climate Change is the main regulatory entity that oversees conservation of wild birds in Malta. Amongst other functions, the Unit is responsible for hunting governance policy and regulations, administration of licensing and control processes, coordination of enforcement effort, hunter education, reporting and liaison with stakeholders. The Unit has a dedicated Specialist Enforcement Branch, which assists the police and law enforcement entities in complex investigations and forensic analysis involving bird-related crime, as well as in prosecutions<sup>1</sup>.

In the light of IUCN's re-classification of the status of the turtle dove from "Least Concern" to "Near Threatened" at EU level, the Maltese government through the Wild Birds Regulation Unit has implemented a number of special measures to contribute to conservation of this species. These measures, which are explained further below, may be of potential interest to other countries that allow the hunting of the turtle dove.

## **Measures to eradicate illegal killing and trapping of the turtle dove**

Illegal targeting of protected bird species in Malta used to be a major concern for the Maltese authorities in the past. It was estimated that several hundred thousand turtle doves may have been illegally shot or taken each year in 1980s and in 1990s, whilst enforcement was generally weak and the law inadequate to deter abuse. Whilst the situation has improved considerably since Malta's accession to the EU, the problem of illegal killing and trapping of the turtle dove has persisted well into the first decade of the 21<sup>st</sup> century.

However following a series of major legal, administrative, enforcement and judicial reforms implemented especially over the past four years, the Maltese authorities were able to bring this past problem fully under control.

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<sup>1</sup> <http://environment.gov.mt/en/Pages/WBRU/Wild-Birds-Regulation-Unit.aspx>

Penalties for offences involving illegal shooting or taking of the turtle dove (amongst other species) were more than doubled, and in the case of some categories of bird-related crime increased ten-fold. Regulatory provisions concerning possession, importation, taxidermy and trade in wild birds were likewise tightened.

*Table 1 – Increase in penalties for illegal killing or taking of protected birds listed in schedules I and IX of the Conservation of Wild Birds Regulations*

<b>1st count offence</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Min fine 1st count offence (Euros)	232.94	500	5,000	5,000	5,000
Min imprisonment (months)	0	0	12	12	12
Min term of suspension of licence (months)	12	24	Permanent	Permanent	Permanent
Max fine (Euros)	4,658.75	5,000	5,000	5,000	5,000
Max imprisonment (months)	0	0	12	12	12
Max term of suspension of licence (months)	36	60	Permanent	Permanent	Permanent

<b>2nd count offence</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Minimum fine 2nd count offence (Euros)	465.87	1,000	10,000	10,000	10,000
Minimum imprisonment (months)	2	6	12	12	12
Minimum term of suspension of licence (months)	Permanent	Permanent	Permanent	Permanent	Permanent
Maximum fine (Euros)	9,317.49	10,000	10,000	10,000	10,000
Maximum imprisonment (months)	24	24	24	24	24
Maximum term of suspension of licence (months)	Permanent	Permanent	Permanent	Permanent	Permanent

In parallel, significant effort was directed towards capacity building in field enforcement, as well as in increasing of the effectiveness of prosecutions and judicial processes. Over the past 4 years, the Wild Birds Regulation Unit organized ten training sessions for members of the police force involved in patrols and enforcement during hunting seasons. Such sessions typically involved training on applicable legal provisions concerning conservation of wild birds, regulations concerning hunting, introduction into basic avian biology and bird identification, methods of surveillance and prevention of bird-related crime, overview of typical law-evasion techniques deployed by poachers, basic forensic techniques and prosecution processes.

Figure 1 – Training for enforcement officers



Moreover, since 2013, enforcement complement deployed for surveillance during bird migration seasons was doubled in strength, whilst intensity of field inspections and spot-checks increased more than five-fold.

Figure 2 – Officers deployed on field patrols during spring migration seasons

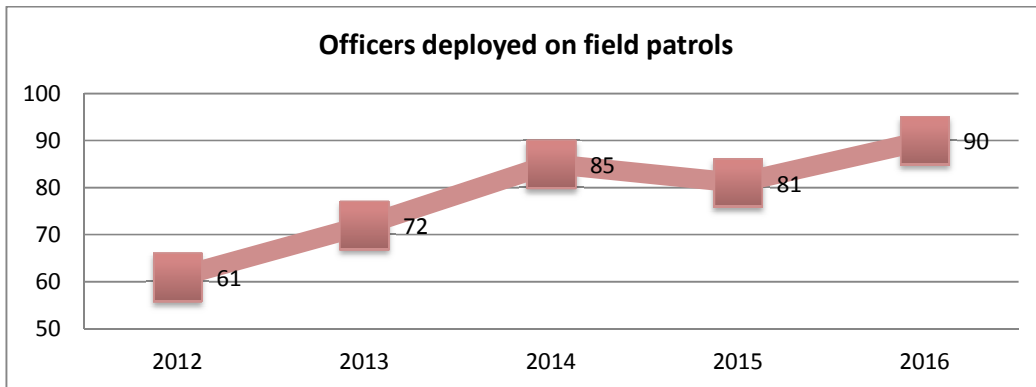
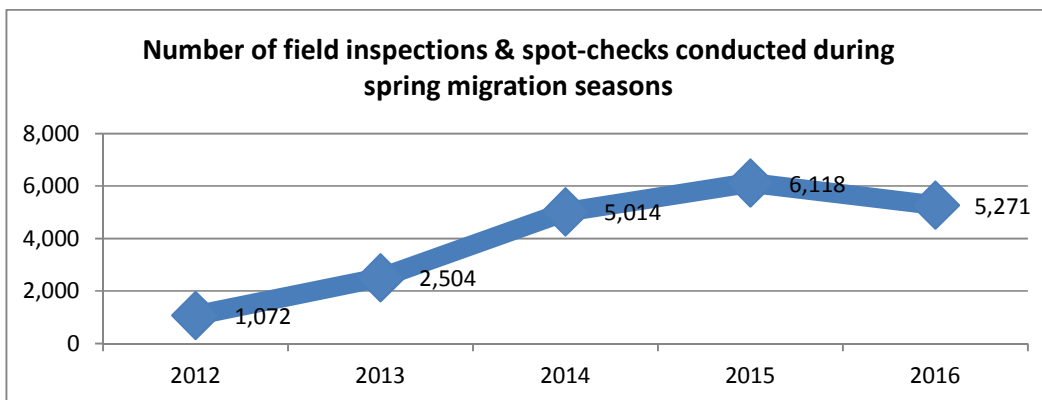


Figure 3 – Field inspections & spot checks during spring migration seasons



In parallel, Malta has adopted and fully implemented the provisions of Bern Convention Tunis Action Plan concerning eradication of illegal killing, trapping and trade in wild birds. Amongst the measures implemented as a result of this Plan was the incorporation into Maltese law of a series of gravity factors for bird-related offences, based on Bern Convention Recommendation, as well as dissemination of sentencing principles and guidelines to members of the judiciary and prosecutors.

Examples of recent convictions for bird-related crime:

- On 18th March 2015 one person was convicted for illegal importation of protected birds and sentenced to **one year imprisonment** and a fine of **€2,600**.
- On 15<sup>th</sup> April 2015 one person was charged under arrest for shooting a common cuckoo (*Cuculus canorus*), convicted and sentenced to **€2,500 fine, a 3.5 year suspension of hunting licence and confiscation of shotgun and ammunition**.
- On 16<sup>th</sup> April 2015 one person was charged under arrest for shooting a Lapwing (*Vanellus vanellus*), convicted and sentenced to a **3 month effective jail term, a 3 year suspension of hunting licence**, confiscation of shotgun and ammunition and a €200 fine for breaching bail conditions on an unrelated charge.
- On 28<sup>th</sup> April 2015 one person was apprehended shortly after shooting a Kestrel (*Falco tinnunculus*) on 27 April 2015. The suspect was arraigned under arrest on the same day, tried, convicted and sentenced to a **one year effective jail term, permanent revocation of hunting licence**, confiscation of weapon and ammunition and a **fine of €5,000**.
- On 24th June 2015 one person was charged with illegal trapping, convicted and sentenced to a **€2,000 fine and 2 years suspension of all licences** issued under Conservation of Wild Birds Regulations.
- On 16th September 2015 a person who attempted to target white storks (*Ciconia ciconia*) in 2014 and was also found in possession of live and dead protected birds was **fined €8,000 and had his hunting licence permanently withdrawn**.
- On 13<sup>th</sup> October 2015, a bird trapper from Gozo has been found guilty of illegal finch trapping in spring 2015. He was sentenced to pay **€8,000 and has his trapping permit and hunting licence revoked for life**.
- On 14th October 2015 a bird trapper was fined **€2,400 and lost his hunting and trapping licence for 3 years**, after having been found guilty by the court of illegally trapping finches inside the Majjistral nature & history park in spring 2015. On the same day another person was also sentenced to a **€1,200 fine and had his licences suspended for 2 years** for illegal finch trapping in spring 2014.
- On the 13th of January 2016 one person was charged with illegal importation of protected birds, convicted and sentenced to a fine of **€2,500 and revocation of all licences** issued under Conservation of Wild Birds Regulations.
- On the same day (13/01/16), two persons were found guilty of shooting Greater Flamingo (*P. roseus*) (incident occurred in 2013) and were sentenced to **2 years in jail, lifetime ban on hunting license and €9,000 fine each**.

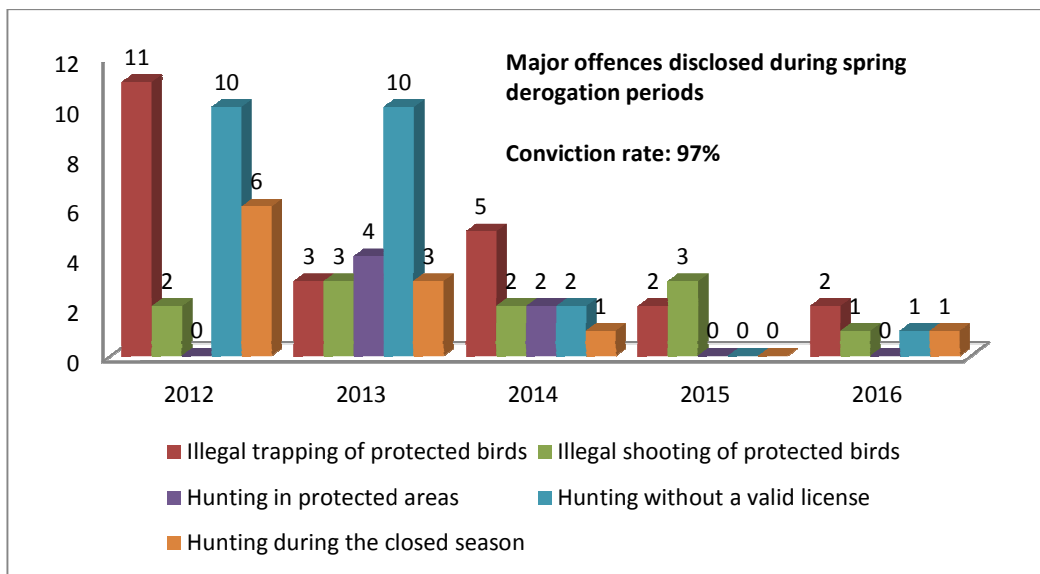
Investment was also directed towards improving the necessary technical capacity of field enforcement and coordination. Enforcement officers were equipped with modern technologies including drones, portable GIS and GPS enabled devices, instant access to state of the art hunting licensing database, and instant access to real-time information on bags reported by hunters.

Figure 4 – Use of drones, joint patrols, covert surveillance



As a result of these measures, the levels of illegal targeting of all protected bird species in Malta declined more than four-fold over the past four years alone, therefore directly benefiting the conservation of the turtle dove amongst other species.

Figure 5 – Major offences detected during spring migration seasons



The above improvements are documented in detailed reports and official enforcement statistics that are publically available online<sup>2</sup>, and were also noted by environmental NGOs and independent ornithologists:

- ***“There was a significant decrease in the number of illegal hunting and trapping incidents witnessed during the 2014 spring hunting season compared to previous years; the illegalities in 2014 were 29% of the number of illegalities in 2013”, Birdlife Malta, Spring Watch Report, 2014***
- ***“..the birdwatchers observed a significant decrease of incidents which involved shooting at or of protected birds as well as observations of birds with visible shotgun injuries. The times of the big massacres are over. We now have to deal with the criminals who still think that they are above the law”, CABS president Heinz Schwarze said. CABS press release 30/09/2015***
- ***“Malta has come a long way since then. The illegal hunting situation in Malta has changed drastically over the past few years and continued to improve over the past year... Malta is fast becoming a normal place for birds.”, Dr Natalino Fenech, PhD, June 2015***
- ***"All change in Malta. Even though there is still much to do and hunting offences are frequently observed, we can't deny noting a significant improvement in the situation... Last night and this morning, the CABS teams across the islands did not observe a single shot against protected species. Last night we watched this Kestrel (photo) circle peacefully at Laferla Cross. This morning we watched the Kestrels, Marsh and Montagu Harriers leave the island unperturbed for Italy. "We could hardly imagine such circumstances when we first started our Spring bird protection camps on Malta just 9 years ago," it said. Times of Malta, 22 April 2016***

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<sup>2</sup> <http://msdec.gov.mt/en/Pages/WBRU/Reports-and-Statistics.aspx>

## **Moratorium on spring hunting of the turtle dove and additional restrictions on autumn hunting**

Up until 2016, Malta used to apply article 9(1)(c) derogation to permit limited hunting of the turtle dove in spring. This derogation was hotly contested by European Commission and conservation NGOs, resulting in infringement proceedings that culminated in a European Court of Justice judgment of 2009 that has acknowledged that in Malta's case hunting for this species in the autumn does not provide a satisfactory solution and thus affirming possibility of derogations to allow limited hunting in spring.

The European Commission has closely monitored application of spring hunting derogation since CJEU ruling in 2009. In 2015, the Commission has formally confirmed Malta's compliance with the requirements of the Birds Directive in this regard, and the previous infringement procedure has been successfully closed.

In April 2015, upon petition spearheaded by Birdlife Malta, the country held a national referendum to decide on whether national legislation that allows the opening of such seasons should be retained. The referendum was decided in favour of retaining such legislation.

*Figure 6 – Referendum campaigns by pro- and anti-hunting NGOs*



However in 2016, following re-classification of the conservation status of the turtle dove from "least concern" to "near threatened" at EU level, upon suggestions from hunting organizations, the government of Malta imposed a moratorium on future spring hunting of this species until the maintenance of the population of this species at satisfactory level is scientifically ascertained at EU level.

Moreover, for the first time a maximum autumn hunting quota for turtle dove was imposed in 2016 (7,000 birds), whilst the hunting season for turtle dove was shortened to 1 month instead of the previously applicable 5 months. The uptake of the national quota is monitored in real time through the mandatory legally binding telephone game reporting system, which is further described below.

### **Measures to ensure quality hunting governance**

In Malta, decisions concerning parameters of hunting seasons are generally taken upon recommendations of the Malta Ornis Committee, is established by virtue of regulation 10 of the Conservation of Wild Birds Regulations for the purpose of advising the Minister on a range of matters concerning conservation of wild birds, including, inter alia, regarding parameters of any bird hunting seasons, authorization of derogations and monitoring of their implementation, policies related to conservation of wild birds, scientific studies and similar matters.

The Ornis Committee is composed of eleven members appointed by the Minister for a period of one year. The Committee consists of a Chairman, Secretary, two representatives of hunting organisations (FKNK), two representatives in the bird conservation sector (Birdlife Malta), three independent experts appointed by the government, an expert on the conservation of birds and an expert on hunting.

Typically, the Committee makes its recommendations to Minister upon considering technical and scientific information such as the conservation status of huntable species, results of scientific studies, hunting bag data, enforcement statistics and other parameters. The work of the Committee effectively ensures a sound technical and scientific basis behind key policy decisions that are made in a consultative manner with full involvement of key stakeholders.

Over the past four years, the Wild Birds Regulation Unit has invested in improving the quality of regulatory processes concerning hunting, with emphasis on hunter education, licensing procedures and compliance control. With regards to hunter education, the Unit works closely with hunting organizations to promote greater regulatory awareness and knowledge amongst licensed hunters, as well as amongst prospective license applicants. The Unit, amongst other, runs hunting examinations that include a theoretical module concerning knowledge of applicable regulations, as well as bird identification test.

*Figure 7 – Hunting license applicants sitting for an examination*



In parallel, the Unit overhauled hunting licensing and reporting procedures, with a particular emphasis on bag reporting, which is an essential prerequisite for high quality hunting governance.

As from 2016, hunters became legally bound to report bag data in real time through a telephone game reporting system, which collects information on location, species hunted and quantity, and is automatically linked to an electronic hunting licensing database that allows the authorities to monitor bag limits and quotas in real time. This system replaced the paper-based *carnet de chasse* reporting procedure that was in place since 2002.

The telephone system is designed to guide the hunters through the reporting procedure via voice prompts. Each telephonic report is registered in the database in real time, and the hunters concerned receive an SMS confirmation of a successful report, which they are obliged to keep throughout the hunting season for compliance verification purposes. Prior to the introduction of the new reporting system, the Wild Birds Regulation Unit carried out an intense information campaign to promote awareness of hunting regulations and enforce compliance with the legal obligations, including the hunters' reporting obligations. Meetings were held with hunting organisations to encourage dissemination of regulatory information amongst their members, and with several hundred individual hunters to explain regulations and to promote zero-tolerance to non-compliance. An information booklet that explains reporting procedure as well as an information video clip<sup>3</sup> was produced and disseminated.

*Figure 8 – Hunting license card and information booklet explaining reporting procedure*

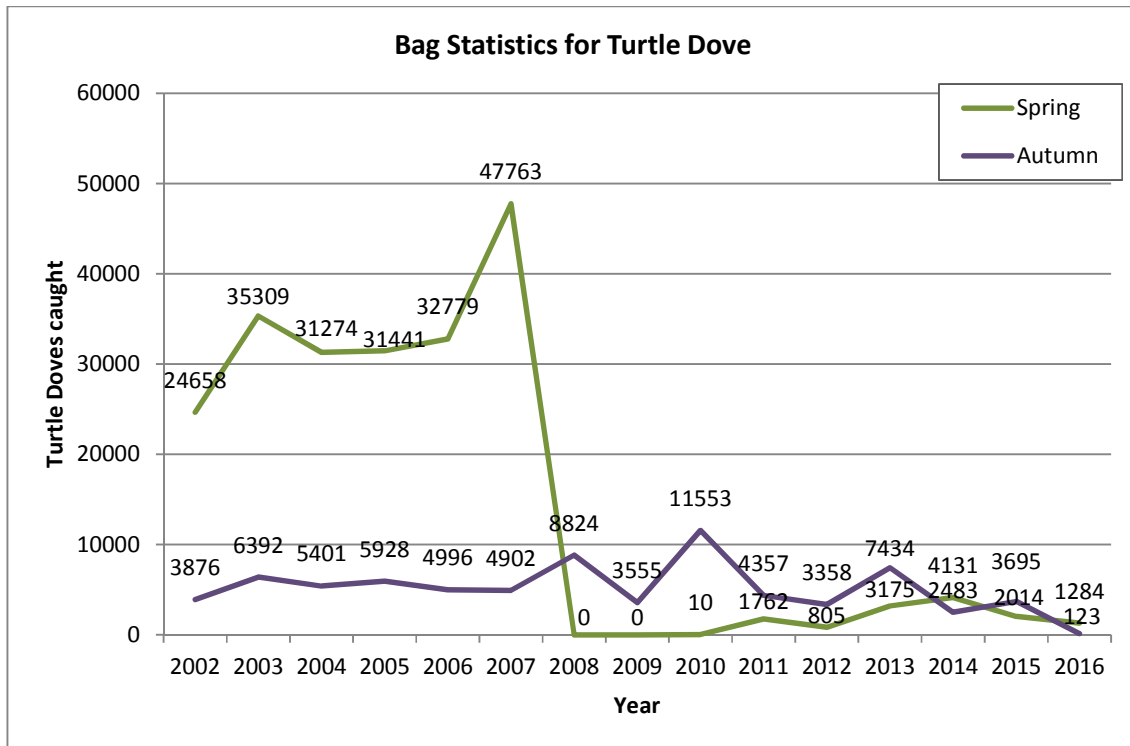


All hunters in possession of a hunting licence were also periodically reminded of their legal obligations through a separate SMS mail shots sent during the season. Compliance in the field was also assured through hundreds of spot checks carried out on individual hunters, and through administration of fines for non-reporting.

<sup>3</sup> Video is available under the following link:  
<https://www.youtube.com/watch?v=4cHYpCPITG0&feature=youtu.be>

This simple to use, yet innovative and effective real-time game reporting system has enabled the authorities to ensure real time monitoring of the uptake of bag limits, as well as the monitoring of a multitude of other parameters, thus providing a very powerful regulatory tool that promotes high quality of hunting governance and compliance.

Figure 9 – Hunting bag statistics for the turtle dove



**Scientific monitoring of turtle dove migration**

Since 2008, the Maltese authorities put in place a scientific monitoring regime for assessing the extent of migratory influx of the turtle dove over the Maltese Islands. Independent scientific migration monitoring studies were initially conducted during peak migration periods in spring, however since 2014 this study effort was also extended to cover the months of September and October in the Autumn. These studies rely on deployment of trained personnel along a defined number of physical observation stations that are active daily during pre-defined hours.

Typically, ten active stations are deployed daily in spring, and six stations are deployed daily in the autumn, on a roster basis out of 24-28 strategically placed observation posts. Physical observations are subsequently plotted and analyzed to obtain extrapolations of the total estimated migratory influx during study periods.

The results of these studies have helped the authorities to understand better the migration patterns and spatial distribution of the turtle dove, and to validate the results of game reporting by hunters, thus feeding directly into the overall hunting governance process.

Figure 10 – Migratory influx of the turtle dove in the autumn

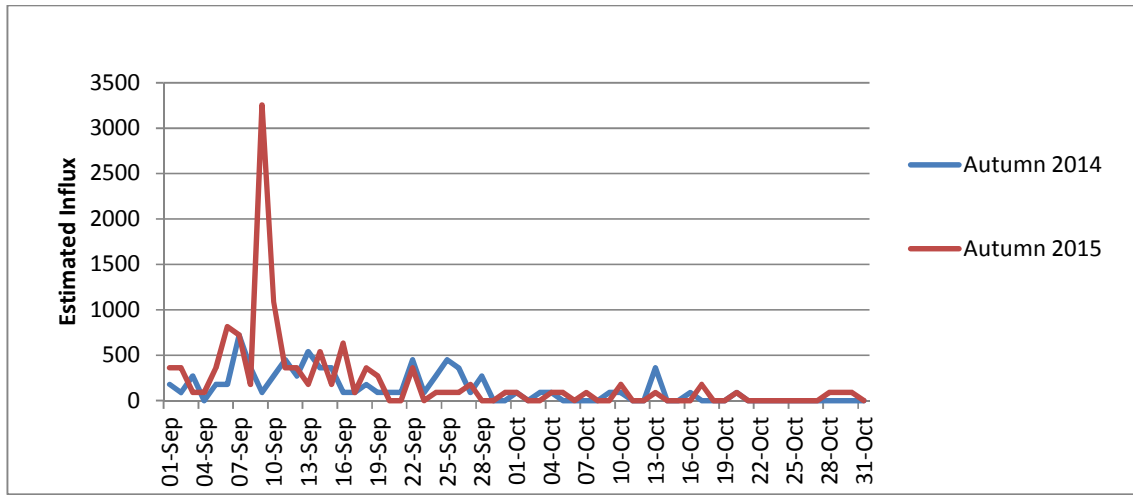


Figure 11 – Spring migratory influx of the turtle dove

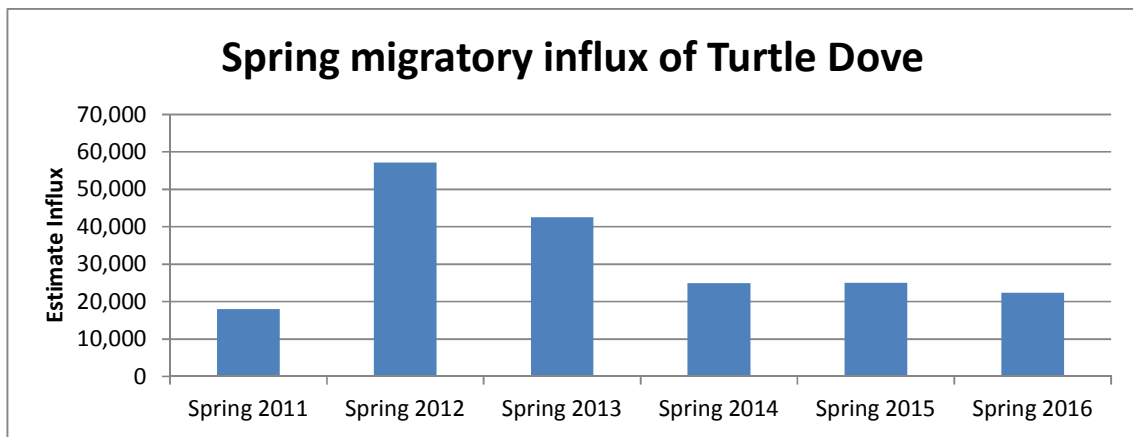


Figure 12 – Spatial distribution of turtle dove observations during 2016 spring migratory period

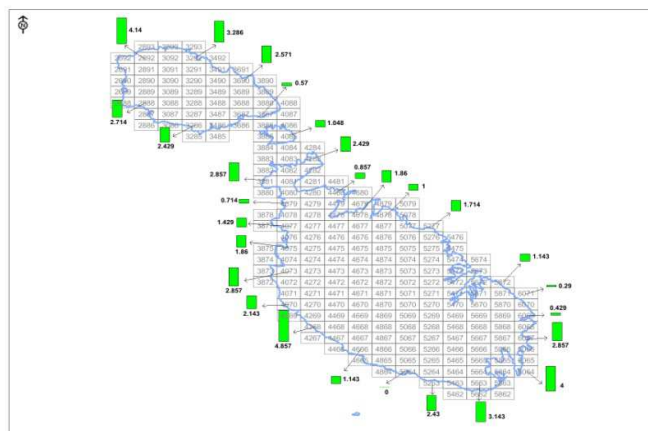
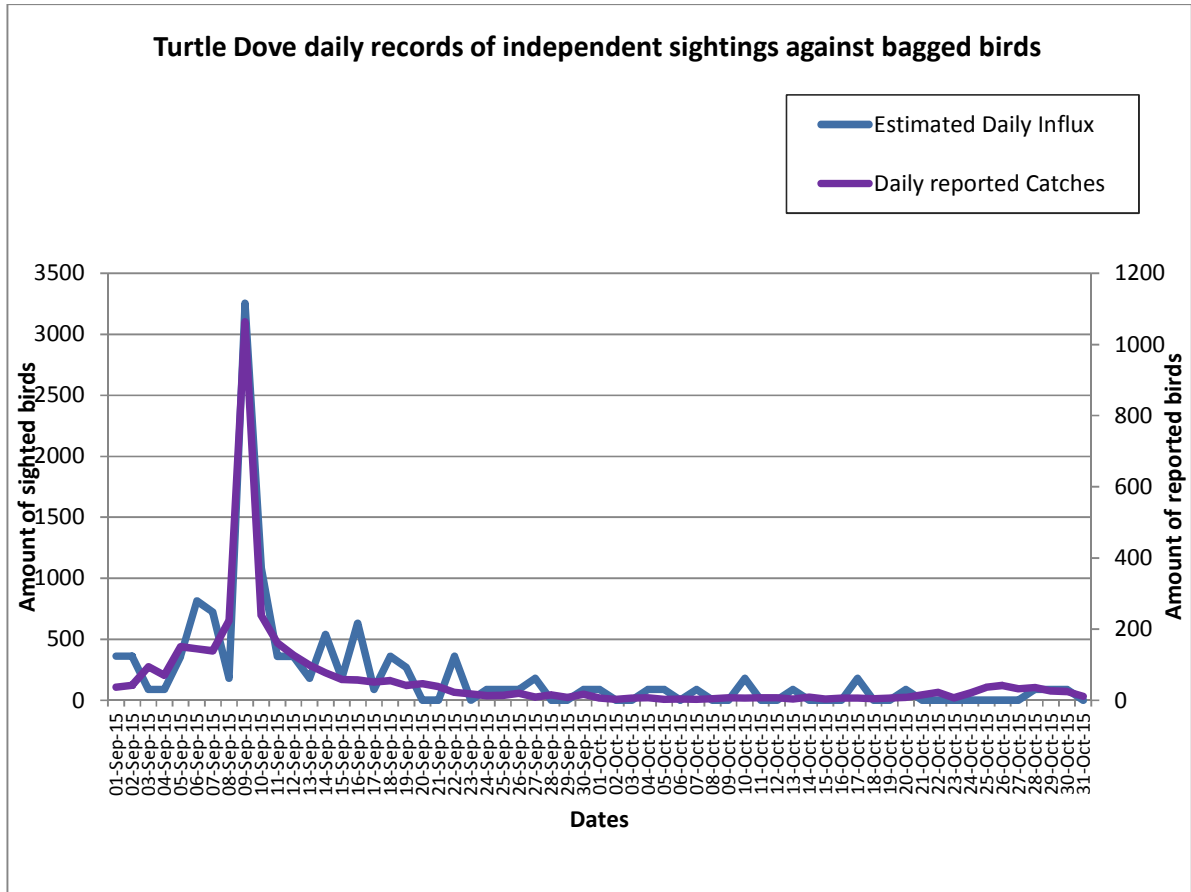


Figure 13 – Correlation between turtle dove bags reported by hunters and independent migration observations



Systematic assessments of the conservation status of the turtle dove

Throughout the years, the Maltese authorities also undertook to compile regular updates on the conservation status of the turtle dove. As part of such assessments, the authorities systematically reviewed all latest available scientific data on the population status of the turtle dove at global, pan-European, EU and reference population levels. These assessments served to inform government policy and regulatory procedures concerning hunting, amongst other. These reports are publically available on the Wild Birds Regulation Unit’s website<sup>4</sup>.

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<http://msdec.gov.mt/en/Documents/Downloads/WBRU/2016/Annex%20II%20Conservation%20Status%20of%20Turtle%20Dove%20and%20Quail%202016%209-6.pdf>

Figure 14 – Snapshot from 2016 Turtle Dove conservation status report compiled by Maltese authorities which shows population trends at EU and Malta ring recoveries levels

